

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
GREGORY TIFT,  
  
Defendant.

CASE NO. CR20-0168-JCC  
  
ORDER

This matter comes before the Court on Defendant's motion to continue, (Dkt. No. 207), Defendant's motion to modify conditions of release, (Dkt. No. 208), and Defendant's motion *in limine*. (Dkt. No. 212.) The Court addresses each of these requests below.

**A. Motion to Continue**

Defendant moves to continue based on his need for additional time to prepare for trial. (Dkt. No. 207.) The Government opposes. (Dkt. No. 210.) The Court has granted Defendant several continuances, which ought to have provided him with ample time to prepare for trial. (*See* Dkt. Nos. 56, 126, 154, 164, 193). His claim to be "unready," (Dkt. No. 222 at 4), appears to demonstrate a lack of diligence on his part, given the five continuances the Court has granted since Defendant elected to proceed pro se. However, the Court weighs heavy Defendant's medical situation as a stroke survivor, and will therefore grant one final continuance. (*Id.* at 3.) Per Defendant's own affirmation, no more continuances "will be necessary" after this one. (*Id.* at

1 4.)

2       However, the Court must note that Defendant's claims regarding witness tampering are  
3 entirely without merit. There is no rule or case law that prohibits the Government from  
4 contacting a defense witness. *United States v. Little*, 753 F.2d 1420, 1440 (9th Cir. 1984) ("there  
5 is nothing improper with investigation of trial witnesses . . . such investigations are often  
6 necessary to collect information for cross-examination or impeachment purposes. A telephone  
7 call is an appropriate means to conduct such an investigation."). The Court finds that the  
8 Government provided legitimate reasons for contacting Defendant's expert witness. On April 6,  
9 2023, Defendant submitted a declaration in support of a motion to continue, alleging the  
10 unavailability of his expert witness for the then scheduled trial of May 22, 2023. (Dkt. No. 178 at  
11 3.) The declaration did not explain the reason for the unavailability. (*Id.*) The Government  
12 contacted the defense expert to inquire as to the reason, and the expert corrected several  
13 inaccuracies contained in Defendant's declaration, submitted on the expert's behalf, including  
14 the claim that the expert was unavailable for trial. (Dkt. No. 184.) The Court then held oral  
15 arguments to allow Defendant to explain this discrepancy. (Dkt. No. 192.) He either did not, or  
16 simply could not, adequately explain why he misrepresented facts to the Court. (*Id.*)  
17 Nonetheless, the Court granted Defendant a continuance. (Dkt. No. 193.) An additional  
18 continuance was granted to account for the Government's expert witness. (Dkt. No. 199.)

19       Nonetheless, for the reasons stated above, the Court FINDS that, taking into account the  
20 exercise of due diligence, the failure to grant a continuance would deny Defendant the  
21 reasonable time necessary for effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and  
22 would therefore result in a miscarriage of justice, *see id.* (h)(7)(B)(i). Based on these findings,  
23 the Court concludes that the ends of justice served by granting a continuance outweigh the best  
24 interest of the public and of Defendant to a speedy trial, as set forth in § 3161(h)(7)(A).

25       Accordingly, the Court GRANTS Defendant's motion to continue (Dkt. No. 207) and  
26 ORDERS as follows:

- 1 1. The June 20, 2023 jury trial is CONTINUED until September 5, 2023.
- 2 2. The deadline for pretrials briefings is hereby extended from June 9, 2023 to August
- 3 25, 2023. The Government may file updated briefings if they wish.
- 4 3. The period from the date of this order through the new trial date, September 5, 2023,
- 5 is excludable under 18 U.S.C. § 3161(h)(7)(A) and (h)(6).

6 **B. Modify Conditions of Release**

7 Defendant asks the Court to modify the conditions of his appearance bond to (1) purchase  
8 a second tablet unmonitored; and (2) to suspend polygraph testing. (*See generally* Dkt. No. 208.)  
9 The Defendant has not demonstrated how circumstances and the conditions of his release have  
10 changed such that computer monitoring is no longer necessary. Nor has he adequately explained  
11 why he must no longer be required to comply with polygraph testing. Accordingly, the Court  
12 finds that a modification of this condition is not warranted at this time. The Court therefore  
13 DENIES Defendant's motion. (Dkt. No. 208).

14 **C. Motion in Limine**

15 Finally, Defendant also moves in limine to bar the instruction generally evidence at trial  
16 regarding fentanyl-related addictions, injuries, and overdoses. (Dkt. No. 212.) Defendant is  
17 instructed to review and comply with the Court's chambers procedures on its website, which  
18 states that "[a]ny motions in limine must be presented in a *joint brief* . . ." *See*  
19 <https://www.wawd.uscourts.gov/judges/coughenour-procedures> (emphasis added). Thus,  
20 Defendant's motion in limine (Dkt. No. 212) is STRICKEN. If Defendant wishes to file a  
21 renewed motion in limine, he should consult with the Government and submit a joint brief  
22 detailing each parties' position on the matter.

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1 DATED this 8th day of June 2023.

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5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
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